

## **REMARKS**

Claims 1-4 were presented for examination, claims 5-8 being withdrawn in response to an earlier restriction requirement (dated April 24, 2006). The Office Action dated September 28, 2006 rejects claims 1-4. This response amends claim 1 and adds new dependent claims 9-15. Claims 1-4, and 9-15 are now pending in the application.

### **35 U.S.C. § 112**

The Office Action rejects claims 1-4 as indefinite because the phrase “the cabinet rack” lacks antecedent basis. Applicants submit that their amendment to claim 1 overcomes the rejection by providing an antecedent basis for the cabinet rack.

### **35 U.S.C. § 102**

The Office Action rejects claims 1 and 3 as being anticipated by U.S. Patent No. 6,201,702 to Schmitt. Applicants respectfully traverse the rejection because Schmitt does not disclose every element and limitation of the Applicants’ invention, as now claimed. More specifically, Schmitt does not disclose or suggest upper and lower guide rails that are integrally formed in the side walls of the tray.

Schmitt’s rack-mountable computer system (which cannot reasonably be considered a tray – the computer system being a closed box, and not an open receptacle) has covers (19, 20) that serve as sidewalls. As is clear from FIG. 2, these sidewalls do not have any guide rails integrally formed therein. Rather, guide rails 26a, 26b are separate components that are attached to the sidewalls with fasteners. Therefore, unlike the Applicants’ claimed invention, Schmitt does not have sidewalls with guide rails integrally formed therein. Moreover, Schmitt does not suggest integrally formed guide rails on both sidewalls.

Schmitt's aim is to provide for configuration flexibility (See col. 3, lines 39-55). Depending upon the end user's preference, the computer system can be configured for the desktop or for rack mounting. Integrally formed guide rails in the sidewalls (particularly in sidewall 20) would remove this flexibility. Schmitt, therefore, not only does not anticipate the Applicants' invention, as now claimed, but also does not suggest it. Applicants respectfully submit that their amendment overcomes the rejection.

The Office Action also rejects claims 1 and 2 as being anticipated by U.S. Patent No. 5,921,644 to Brunel. Applicants respectfully traverse the rejection because Brunel does not disclose every element and limitation of the Applicants' invention, as now claimed.

More specifically, each side wall of the Applicants' tray, as now claimed, has a lower guide rail and an upper guide rail that extend laterally from the same side of that side wall. As depicted in FIG. 1, Brunel's upper guide rail (reference numeral 15, as identified by the office action) and lower guide rail (reference numeral 17, as identified by the office action) extend from opposite sides of Brunel's sidewall (reference numeral 16, as identified by the office action). Further, the side walls of the Applicant's tray, as now claimed, extend perpendicularly from the base, whereas the sidewalls (16) of Brunel's tray extend parallel to Brunel's base 14. Moreover, each side wall of the Applicants' tray, as now amended, abuts the back wall of the tray, whereas Brunel's back wall (as identified by the office action) is not near either of Brunel's sidewalls (FIG. 1).

In view of the various above-mentioned elements of the Applicant's claimed invention that are lacking in Brunel, Applicants respectfully submit that Brunel not only fails to anticipate the Applicants' invention, as now

claimed, but cannot even be seen to suggest it. Applicants respectfully request that the rejection be withdrawn.

**35 U.S.C. § 103(a)**

The Office Action rejects claims 1-4 as being unpatentable over U.S. Patent No. 6,142,590 to Harwell in view of U.S. Patent No. 3,133,768 to Klakovich. Applicants respectfully traverse the rejection because the cited references, whether taken alone or in combination, do not disclose or suggest every claimed element and limitation of the Applicants' invention as now claimed.

Harwell's sidewall (202) does not have upper and lower guide rails integrally formed in the sidewall, as now claimed in the Applicants' invention. According to Harwell, the drawer rail (192) is rigidly mounted directly to the sides of the drawer (col. 7, lines 59-61). The numerous fastener holes (FIG. 17) in the drawer rail (192) attest to the means for mounting the rail to the drawer. This shows that Harwell's drawer rail is a separate component, not integrally formed in the side of the drawer.

Klakovich does show the known use of upper and lower rail guides. However, the type of side rail disclosed by Klakovich is of the type that needs to be mounted to the side of a piece of equipment (i.e., the upper and lower rail guides are not integrally formed in the sidewall). Accordingly, modifying Harwell's to have a lower guide rail opposite an upper guide rail, as taught by Klakovich, still fails to disclose or suggest the Applicants' invention, namely, side walls that have upper and lower guide rails integrally formed therein. The advantages of the Applicants' invention over assemblies that require mounting of guide rails, as taught by Harwell and Klakovich, are evident – i.e., simpler assembly because of fewer pieces of hardware and less assembly time.

Each dependent claim 2-4 and 9-15 depends directly or indirectly from patentable independent claim 1, and incorporates all of its limitations and, therefore, is patentably distinguishable over the cited references for at least those reasons provided in connection with the independent claims. Each dependent claim also recites an additional limitation, which, in combination with the elements and limitations of its independent claim, further distinguishes that dependent claim from the cited references. Applicants respectfully request withdrawal of the rejection of these claims.

### **CONCLUSION**

In view of the amendments and arguments made herein, Applicants submit that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicants' representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-0932.

Respectfully submitted,

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